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★ JUL 19 2012 ★

MEMORANDUM TO
THE HONORABLE KIYO MATSUMOTO
UNITED STATES DISTRICT JUDGE

DOCKET & FILE

RE: U.S. vs. Mitchell Gerstein
DOCKET #: 12-CR-51
FOR SENTENCE: August 28, 2012

BROOKLYN OFFICE

DELAY IN PRESENTENCE INVESTIGATION

On February 29, 2012, the defendant pled guilty before Your Honor to a single-count information, charging a Conspiracy to Make False Statements to the Securities and Exchange Commission. Senior U.S. Probation Officer Sindee J. Haasnoot has been assigned to conduct the presentence investigation. To date, the Probation Department is still waiting for information from the case agent regarding loss and victim information. To ensure that a sufficient period of time be allocated for the preparation of the presentence report, the Probation Department is respectfully requesting that the Court adjourn the sentence date until the end of September at the earliest. Please indicate below if an adjournment of sentence is acceptable to the Court.

An adjournment of sentence is acceptable. The new date will be October 16, 2012 at 4:00pm.

An adjournment of sentence is not acceptable. The sentence date will be _____

RESPECTFULLY SUBMITTED,

EILEEN KELLY
CHIEF U.S. PROBATION OFFICER

Prepared by:

Sindee J. Haasnoot
Senior U.S. Probation Officer
(631) 712-6359

Date: July 18, 2012

cc: Raymond G. Perini, Esq.

Ilene W. Jaroslaw, Esq., Assistant U.S. Attorney

s/Kiyo A. Matsumoto
So Ordered: _____
Kiyo A. Matsumoto
U.S. District Judge